

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO, ET AL.,

Defendants.

CIVIL NO. 12-2039 (GAG)

MOTION REGARDING ORDER, DKT. 1519

TO THE HONORABLE COURT:

COME NOW Defendants Commonwealth of Puerto Rico and the Puerto Rico Police Department (jointly, the “Commonwealth”), by and through the undersigned counsel, and hereby states as follows:

On May 28th, 2020, a Status Conference which lasted almost two (2) hours, was held in this case. There was a full agenda of items for discussion, all of them were addressed by those present: counsel for the USDOJ, the Monitor and counsel for the Commonwealth. The Status Conference exemplified the effort being placed by all to work collaboratively and towards the common goal of advancing the Police Reform.

Shortly thereafter, the Court issued Order, Dkt. 1519 (the “Order”), addressing only one incident: the Secretary of Public Safety’s failure to appear at the Status Conference. The Court stated in its Order, among other things, that “[t]he clear perception from all of this is that the government does not care about the Police Reform and will not obey any federal court mandates.” This Order was immediately picked-up by the media, portraying a skewed picture of all that transpired during the Status Conference.

While the circumstances surrounding the incident addressed in the Order will become part of the transcript of the Status Conference and the Commonwealth does not intend to rehash what happened, it understands that it is important to clarify the following:

1. The Commonwealth was present at the Status Conference through the Commissioner of the Puerto Rico Police Bureau, Henry Escalera, and the Director of the Office of the Police Reform, Colonel Clementina Vega. These are the two government officials directly tasked with ensuring implementation and compliance with the Reform of the Puerto Rico Police.¹

2. The Commonwealth came prepared, through counsel, Commissioner Escalera and Col. Vega, to discuss, and did discuss, each of the agenda items as well as other Reform related issues raised. Putting aside the situation addressed in the Order, the USDOJ, Monitor and the Commonwealth were able to present their positions on the issues in a respectful, cordial, collaborative and thorough manner, and the outcome of the Status Conference was positive.

WHEREFORE, Defendants respectfully request that the Court take notice of the above.

RESPECTFULLY SUBMITTED.

WE HEREBY CERTIFY: That today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico, using the CM/ECF system which will send notification of this filing to all counsel of record.

¹ See Article 2.04(b) of the Department of Public Safety Act, Act 20-2017, which specifically states that the Commissioner “will ensure compliance with the Agreement for the Police Reform”. See also paragraphs 231 and 232 of the Agreement for the Sustainable Reform of the Puerto Rico Police (the “Agreement”), which provide that the Reform Unit – whose Director is Col. Vega – “shall serve as the source of reform within PRPD”; “shall serve as liaison between the Parties and the TCA... and will assist with PRPD’s implementation and compliance with the Agreement”; “will coordinate PRPD’s compliance and implementation activities”; will “assist in assigning implementation and compliance related tasks to PRPD personnel, as directed by the Superintendent” (now Commissioner). Moreover, pursuant to the Agreement: “[t]he [Commissioner] may designate PRPD personnel, including members of the Reform Unit... which are in his professional judgment critical to the successful implementation of [the] Agreement and the comprehensive reform of the PRPD”; and, with the assistance of the Reform Unit, the Commissioner “shall be responsible for drafting Action Plans... to implement and achieve compliance with each of the Agreement’s provisions...” Paragraphs 233 and 234 of the Agreement.

In San Juan, Puerto Rico, this 5th day of June, 2020.

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